IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.254 OF 2007

1. Bhagwan Kathor Chaudhari
2. Ramdas Kathor Chaudhari ...Applicants.
V/s.
The State of Maharashtra ...Respondent.

Shri S.R.Chitnis, Sr.Counsel with Mrs.V.R.Raje, advs. for the Applicants.
Mr.U.V.Nikam, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 22nd February, 2007.

P.C.:

1. Heard Mr.Chitnis, the learned senior counsel for the applicants and Mr.Nikam, the learned APP for the State.

2. The present applicants were arrested in Crime No.90 of 2006 registered with Taloja Police Station for the offences punishable under Sections 302, 307, 324, 147, 148, 149 of the I.P.C. and under Sections 37(1), 135 of Bombay Police Act on the report lodged by one Darshan Jagannath Kadu. In the incident in all 9 persons were involved and they assaulted Darshan and his brother Vijay. Due to the injuries on head, Vijay died. Accused no.7 Gurunath was granted bail by this Court on 17th November, 2006 on the ground that as per the statements of Darshan and his father Jagannath, 2

accused persons namely, Pandurang and Bharat were holding iron rods and they had assaulted on the head of Vijay while other accused were holding wooden sticks, etc. and as Gurunath was not holding any iron rod nor he had assaulted on the head, he was granted bail. In the present application, the present applicants namely, Bhagwan and Ramdas, seek bail on the principle of parity.

3. With the help of the learned counsel, I have gone through the F.I.R., relevant statements of witnesses and medical papers. I find that the case of the present applicants can not be distinguished from the case against Gurunath. Therefore, the present applicants deserve to be granted bail.

4. The applicants Bhagwan Kathor Chaudhari and Ramdas Kathor Chaudhari be released on their executing P.R.Bond of Rs.10,000/- each with one surety in the like amount with the condition that they shall not enter the village Ranjanpada till the conclusion of the trial. They shall keep the Investigating Officer/P.S.O. of village Taloja informed about their residential address during the said period. They shall not misuse the bail. The shall also report at the nearest police station once in a month between 5 to 7 p.m.

5. Application stands disposed off.

(J.H.Bhatia,J.)